

October 5, 2011

CITY OF HALLANDALE BEACH, REGULAR CITY COMMISSION MEETING

Date: September 12, 2011

Director's Name: Thomas J. Vageline

Department: Development Services

Subject: Application #52-11-AV by Julio Berrio Requesting a Variance from Chapter 5, Section 5-6(d), Relative to the Distance Requirements Between Establishments Selling Alcoholic Beverages and a Church, School or Public Park at the Property Located at 1630 E. Hallandale Beach Blvd.

Information

Requested Action

MOTION TO CONSIDER AND APPROVE:

Application #52-11-AV by Julio Berrio Requesting an Alcoholic Beverage Variance from Section 5-6(d) of the City's Code of Ordinances in order to sell beer, wine and liquor within 1,000 feet of a church at the property located at 1630 E. Hallandale Beach Blvd.

Why Action is Necessary

Section 5-6(d) of the City's Code of Ordinances states no establishment shall sell alcoholic beverages for consumption off-premises within 1,000 feet of a church or school. The applicant is proposing to operate a gourmet market specializing in cooking oils, vinegars, coffee and other organic products, as well as a liquor package store for the sale of beer, wine and liquor with consumption off-premises only. The applicant proposes to open at 1630 E. Hallandale Beach Blvd. which is located in the Hallandale Shopping Center. The subject location is only 294 feet from St. Matthew's Church, when measured from the main entrance of the establishment to the property line of the church, a deficiency of 706 feet. As a result, an alcoholic distance variance is required.

What Action Accomplishes

Approval of this application will allow the applicant to operate a gourmet market with liquor package sales within the required 1,000 foot distance separation from a church property.

Is this Action Goal Related

This action addresses the following City Strategic Priority:

This action specifically addresses the City's strategic priority for Economic Development by supporting business owners in maintaining and improving property values and providing a sustainable community with a healthy balance of residential, commercial and light industry that provides a mix of local employment opportunities.

Previous Action Taken

None, as it relates to this application; however, at the adjacent Publix Shopping Center, the Publix Liquor store was granted a similar variance on January 17, 2007. The Publix Liquor store presently sells beer, wine and liquor with consumption off-premises at a distance of 330 feet from St. Matthew's Church and 660 feet from the Congregation Levy Yitchok Lubavith.

Summary Explanation/Background

STAFF RECOMMENDS APPROVAL OF THE ABOVE MOTION.

The applicant is proposing to operate a gourmet market specializing in cooking oils, vinegars, coffee and other organic products. In addition, the applicant is requesting to operate a liquor package store for the sale of packaged beer, wine and liquor with consumption off-premises only. The hours of operation of the establishment will be seven days a week from 9 A.M. until 10 P.M. There will no consumption of alcohol on the premises. (See Exhibit 1- Cover letter from the applicant.)

The subject property is zoned Central City Business (CCB) District, which permits gourmet markets/retail food stores and liquor package stores, subject to the provisions of Section 5-6. Section 5-6(b)(2) of the City's Code of Ordinances states no establishment licensed to sell beer, wine and liquor for consumption off-premises may be located within 600 feet of another establishment licensed to sell beer, wine and liquor for consumption off-premises. The subject property is located 625 feet from the Publix Liquor store and 725 feet from the Winn-Dixie Liquor store, when measured by the most direct route from main entrance to main entrance; thereby, complying with the Code requirements. Section 5-6(d) states no establishment shall sell alcoholic beverages for consumption off-premises within 1,000 feet of a church or school and 500 feet of a public park. The applicant proposes to open at 1630 E. Hallandale Beach Blvd. which is located in the Hallandale Shopping Center. The subject location is only 294 feet from St. Matthew's Church, when measured from the main entrance of the establishment to the property line of the church. (See attached distance separation survey.) The establishment is required to be 1,000 feet from the St. Matthew's Church property, a deficiency of 706 feet; thus, an alcoholic distance variance is required. Below are the distance separations as required by Section 5-6 of the City's Code of Ordinances:

To: Mark Antonio, City Manager
From: Thomas J. Vageline, Director of Development Services
Re: Application #52-11-AV by Julio Berrio
Date: October 5, 2011

Establishment	Use	Required	Distance	Deficiency
St. Matthew's Church 542 Blue Heron Drive	Church	1,000 L.F.	294 L.F.	706 L.F.
Golden Isles Tennis Center 500 Egret Drive	Public Park	500 L.F.	737 L.F.	-0-
Publix Liquor Store 1400 E. Hallandale Bch. Blvd.	Liquor Store	600 L.F.	625 L.F.	-0-
Winn-Dixie Liquor Store 1515 E. Hallandale Bch. Blvd	Liquor Store	600 L.F.	726 L.F.	-0-

The Police Department has advised they have no objections to the approval of the subject application.

Fiscal Impact

Fiscal Impact/Cost Summary:

Approval of the subject application will generate an estimated revenue of \$196 in Business Tax Receipt fees for the City.

Attachments

EXHIBIT 1- APPLICANT'S COVER LETTER
EXHIBIT 2- DISTANCE SEPARATION SURVEY
EXHIBIT 3- LOCATION MAP
EXHIBIT 4- AERIAL MAP

Prepared By: _____
Sarah Suarez, AICP
Senior Planner